

1 Scott Edward Cole, Esq.
 2 Matthew R. Bainer, Esq.
 3 **SCOTT COLE & ASSOCIATES, APC**
 4 1970 Broadway, Suite 950
 5 Oakland, California 94612
 6 Telephone: (510) 891-9800
 7 Facsimile: (510) 891-7030
 8 web: www.scalaw.com

9 Attorneys for Representative Plaintiff
 10 and the Plaintiff Class

11 **UNITED STATES DISTRICT COURT**
 12 **NORTHERN DISTRICT OF CALIFORNIA, OAKLAND DIVISION**

13 STEPHEN WHITEWAY, individually,
 14 and on behalf of all others similarly
 15 situated,

16 Plaintiff,

17 v.

18 FEDEX KINKO'S OFFICE AND
 19 PRINT SERVICES, INC.,

20 Defendant.

Case No.: C 05 02320 SBA

CLASS ACTION

STIPULATION AND ~~PROPOSED~~ ORDER
RE: MODIFICATION OF CLASS
CERTIFICATION ORDER

21 **WHEREAS**, pursuant to this Court's September 14, 2006 Order, granting certification of
 22 a plaintiffs class, Plaintiff's counsel was directed to publish notice of this class action in a newspaper
 23 of general circulation;

24 **WHEREAS**, Defendant represents that it maintains records of the identities and contact
 25 information for all members of the Plaintiff class and can make available such information for the
 26 purpose of distributing notice thereto by first class mail;

27 **WHEREAS**, counsel in the above-captioned matter believe that it would be more cost-
 28 effective to serve notice by first class mail than by general circulation in a newspaper, and that there
 exists an inherent difficulty in determining what publication(s) would be most effective in achieving
 the goals of class notice;

